

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: BAK COMMUNICATIONS, LLC	DOCKET NO. TCU-03-6
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ORDER REJECTING APPLICATION

(Issued August 11, 2003)

On May 14, 2003, BAK Communications, LLC (BAK), filed with the Utilities Board (Board) an application for a certificate of public convenience and necessity pursuant to Iowa Code § 476.29 (2003), stating its intention to provide local exchange telecommunications services in Iowa. The application has been identified as Docket No. TCU-03-6. BAK provided financial statements and the qualifications of its company officers.

On May 15, 2003, Board staff contacted BAK and discussed deficiencies within the application. Specifically, the application did not state that notice had been provided to all affected carriers, a copy of the notice that should have been sent to affected carriers was not included with the application, the application did not include any reference to providing 2-PIC methodology for intraLATA and interLATA dialing parity, the application made no mention of BAK publishing a directory, and the application did not mention a proposed accounting treatment of its books and records or the location and availability of the books and records. BAK stated that it would file the requested information as a supplement to its application.

Board staff contacted BAK inquiring as to the status of the supplement to its application on June 12, July 9 and 28, 2003. On July 31, 2003, BAK contacted

Board staff and stated that it would be filing a request to withdraw its application via overnight mail and that it would file a new application at a later date. To date, the Board has not received BAK's request to withdraw its current application.

Iowa Code § 476.29(2) provides that a local exchange carrier shall not be denied a certificate if the Board finds that the applicant "possesses the technical, financial, and managerial ability to provide the service it proposes to render and the board finds the service is consistent with the public interest."

The Board has reviewed BAK's application and finds that it fails to meet the statutory and Board requirements for a certificate of public convenience and necessity. Therefore, the Board will reject BAK's application. If BAK decides to provide local exchange telecommunications service in Iowa in the future, it will be required to file a new application.

IT IS THEREFORE ORDERED:

The application for a certificate of public convenience and necessity filed by BAK Communications, LLC, on May 14, 2003, is rejected as described in this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 11th day of August, 2003.